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8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
	STATE OF	1	
10	In the Matter of the Accusation Against:	Case No. 2013-576	
12	CHARLES F. NUQUI 398 Man O War Dr.	ACCUSATION	
13	Invernines, FL 34453		
14	Registered Nursing License No. 529047		
15	Respondent.		
16	Complainant alleges:		
17	PARTIES		
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
19	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
20	Consumer Affairs.		
21	2. On or about January 15, 1997, the Board of Registered Nursing issued Registered		
22	Nursing License Number 529047 to Charles F. Nuqui (Respondent). The Registered Nursing		
23	License was in full force and effect at all times relevant to the charges brought herein and will		
24	expire on September 30, 2014, unless renewed.		
25	<u>JURISDICTION</u>		
26	3. This Accusation is brought before the Board of Registered Nursing (Board),		
27	Department of Consumer Affairs, under the authority of the following laws. All section		
28	references are to the Business and Professions Code unless otherwise indicated.		
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4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct . . .
- 6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- "(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

- "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.
- "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."
- 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 8. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

- 10. Hydrocodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(I) and is a dangerous drug per Code section 4022, used for moderate to severe pain relief.
- 11. Hydromorphone with Acetaminophen ("Dilaudid") is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(J) and a dangerous drug as designated by Business and Professions Code section 4022, used for pain relief.

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FIRST CAUSE FOR DISCIPLINE

(USING CONTROLLED SUBSTANCE IN A MANNER DANGEROUS TO SELF OR OTHERS)

- 12. Respondent is subject to disciplinary action under section 2762(b) in that he used a controlled substance in a manner dangerous to himself or others. The circumstances are as follows:
- 13. On or about May 18, 2011, while on duty as a registered nurse in the Post Anesthesia Care Unit at Washington Hospital in Fremont, California, Respondent was observed to have glossy eyes, was wearing his head covering crooked and untied, giggling inappropriately while taking care of patients, and dancing at a patient's bedside. On the same date he was also observed to be slow to act and depressed. On that day, he tested positive for the opiates, hydromorphone and hydrocodone, in his system. Respondent admitted to being under the influence at work.

 Respondent underwent detoxification and rehabilitation at Mills Peninsula Hospital from June 8, 2011 to June 28, 2011, then underwent intensive outpatient treatment until September 21, 2011.

SECOND CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT)

14. Respondent is subject to disciplinary action under section 2761(a) in that he acted unprofessionally, as alleged above in paragraph 13.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nursing License Number 529047, issued to Charles F. Nuqui;
- 2. Ordering Charles F. Nuqui to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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1	3. Taking such other and further action as deemed necessary and proper.	
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4	May 2 Bens	
5	DATED: January 19, 2013 Korkouise R. Bailey, M.Ed., RN Executive Officer	
6	Board of Registered Nursing	
7	Department of Consumer Affairs State of California Complainant	
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Accusation